



IAP7 Rec'd PCT/PTO 27 JAN 2006

PCT

Practitioner's Docket No. 1581/140

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fotinos, et al.

Application No.: 10/547,068

Group No.: N/A

Filed: February 26, 2004

For: Methods and Devices for Releasing Volatile Substances and Methods for Producing the Devices

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT  
WITHIN THREE MONTHS OF FILING OR  
BEFORE MAILING OF FIRST OFFICE ACTION (37 C.F.R. § 1.97(b))

IDENTIFICATION OF TIME OF FILING THE ACCOMPANYING  
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

The information disclosure statement submitted herewith is being filed within three months of the filing date of the application or date of entry into the national stage of an international application or before the mailing date of a first Office action on the merits, whichever event occurs last. 37 C.F.R. § 1.97(b).

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*  
(When using Express Mail, the Express Mail label number is *mandatory*;  
*Express Mail certification is optional.*)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

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TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

Date: January 25, 2006

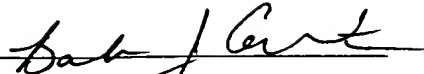
Signature

Barbara J. Carter, Ph.D.

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

DATE: January 25, 2006

  
Barbara J. Carter, Ph.D.  
BROMBERG & SUNSTEIN LLP  
Customer Number 02101  
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Boston, MA 02110-1618  
US

01581/00140 461655.1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Fotinos, et al.

Application No.: 10/547,068

Group No.: Not Yet Assigned

Filed: February 26, 2004

Examiner: Not Yet Assigned

For: Methods and Devices for Releasing Volatile Substances and Methods of Producing the Devices

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

(Information Disclosure Statement--page 1 of 8)

## CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is *mandatory*;Express Mail certification is *optional*.)

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37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10\*

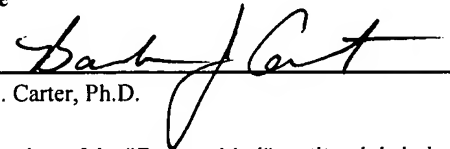
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Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Date: January 25, 2006  
Barbara J. Carter, Ph.D.

**\*WARNING:** Each paper or fee filed by "Express Mail" *must* have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).  
"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

NOTE: The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).

### **List of Sections Forming Part of This Supplemental Information Disclosure Statement**

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: discard unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
  - 7A. ☐ EPO Search Report
  - 7B. ☐ English Language Version of EPO Search Report
8. ☒ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections \_\_\_\_\_, respectively, have been continued on ADDED PAGE(S).

NOTE: "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

## **Section 1. Preliminary statements**

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

**SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Fotinos, et al. Attorney Docket: 1581/140  
Int's Appl. 10/547,068 Art Group Unit: N/A  
No:  
Date Filed: February 26, 2004 Examiner Name: N/A  
Invention: Methods and Devices for Releasing Volatile Substances and Methods of  
Producing the Devices

**LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

U.S. PATENT DOCUMENTS					
Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	AL	US 6,090,403	July 18, 2000	Block, et al.	424/447

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Reference Number	Country Code	Document Number	Publication Date	Patentee or Applicant	Class/Subclass
	AM	EP	0 665 856 B1	April 14, 1994	Kenndoff, J.	C08 G 18/48
	AN	DE	199 57 234 A1	Nov. 27, 1999	Kebele, R.	A61 L 15/44
	AO	DE	197 12 359 A1	Oct. 10, 1998	Antrag auf Nichtnennung	A61 L 15/14
	AP	DE	196 38 570 A1	March 26, 1998	Pudleiner, et al.	C08G 18/08
	AQ	DE	101 28 685 A1	Dec. 19, 2002	Schink, et al.	A61 L 15/44
	AR	DE	101 21 471 A1	Nov. 11, 2002	Schink, et al.	A61L 15/44
	AS	DE	102 20 114 A1	Nov. 11, 2003	Beiersdorf AG	A61K 9/70
	AT	WO	01/78691 A1	Oct. 25, 2001	Goon, D., et al.	A61K 9/70
	AU	WO	00/67730	Nov. 16, 2000	U.S. Dermatologics Inc.	A61K 9/70
	AV	WO	88/01 878 A1	March 24, 1988	Smith & Nephews Asso. Companies PLC	A61F 13/00
	AW	WO	97/09971	March 20, 1997	Cygnus, inc.	A61K 9/70

Applicants: Fotinos, et al.

Attorney Docket: 1581/140

Serial No: 10/547,068

Art Group Unit: Not Yet Assigned

Date Filed: February 26, 2004

Examiner Name: Not Yet Assigned

Invention: Methods and Devices for Releasing Volatile Substances and Methods of Producing the Devices

Examiner Signature: \_\_\_\_\_

Date Considered: \_\_\_\_\_

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

## Section 6. Copies of Listed Information Items Accompanying This Statement

*NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."*

*NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.*

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

*(complete the following, if applicable)*

☒ Exception(s) to above:

**U.S. patent citations are not included pursuant to the United State Patent and Trademarks Office's September 21, 2004 waiver of the copy requirement in 37 CFR 1.98 for cited pending U.S. patent citations when the patent citations are available in the USPTO's IFW system.**

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.



## Section 8. Translation(s) of Non-English Language Documents

**NOTE:** *"If a written English language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in section 1.56(c), a copy of the translation shall accompany the statement." 37 C.F.R. section 1.98(c).*

**NOTE:** *"The Office does not intend to require translations unless they have been reduced to writing and are actually translations of what is contained in the non-English language information. Applicants should note, however, that most examiners do not have the ability to understand information which is not in English and that the Office will not routinely translate information submitted in a non-English language. The examiner will consider the information insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, but will not have the information translated unless it appears to be necessary to do so. Applicants are required to aid the examiner by complying with the requirements for a concise explanation in section 1.98(a)(3) for information submitted in a non-English language." Notice of January 9, 1992, 1135 O.G. 13-25, at 21.*

**NOTE:** *"The examiner will indicate that the non-English language information has been considered in the same manner as consideration is indicated for information submitted in English." Notice of April 20, 1992 (1138 O.G. 37-41, 41).*

☒ Submitted herewith is an English translation of the following foreign language patents, publications or information or of those portions of those patents, publications or information considered to be material: **Reference Number AS - DE 102 20 114 A1 (See attached sheet labeled AS.1)**

AN	DE	199 57 234 A1	Nov. 27, 1999	Kebele, R.	A61 L 15/44
AO	DE	197 12 359 A1	Oct. 10, 1998	Antrag auf Nichtnennenug	A61 L 15/14
AP	DE	196 38 570 A1	March 26, 1998	Pudleiner, et al.	C08G 18/08
AQ	DE	101 28 685 A1	Dec. 19, 2002	Schink, et al.	A61 L 15/44
AR	DE	101 21 471 A1	Nov. 11, 2002	Schink, et al.	A61L 15/44

☒ No English language translations of the foreign language patents, publications or information or parts thereof are readily available, except for those listed above.

☐ The following foreign language documents submitted are believed to be the equivalent or substantial equivalent of the English language documents identified below, which are also submitted herewith.

**Section 10. Identification of Person(s) Making This Information Disclosure Statement**

The person making this certification is

*(check each applicable item)*

(a) ☐ the inventor(s) who signs below

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(type name of inventor who is signing)*

(b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

\_\_\_\_\_  
SIGNATURE OF INVENTOR

\_\_\_\_\_  
*(type name of inventor who is signing)*

(c) ☒ the practitioner who signs below on the basis of the information:

*(check each applicable item)*

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Reg. No.: 52,703

\_\_\_\_\_  
Barbara J. Carter, Ph.D.

Tel. No.: (617) 443-9292

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